

Student Code of Conduct & Expectations for Student Behavior

Student conduct is governed by rules designed to preserve both individual and community freedoms. The individual student, in order to learn and grow, must enjoy freedom of expression and action. The academic community, if it is to properly serve the student, must enjoy freedom from disruption. Students enrolling in the College assume an obligation to conduct themselves in a manner compatible with the College's function as an educational institution, and in accordance with the Student Code of Conduct.

Student Code of Conduct in compliance with SJECCD Board Policy 5530

I. INTRODUCTION

The Student Code of Conduct is a statement of the San Jose Evergreen Community College District's expectations regarding student standards of conduct, both academic and nonacademic. Students are expected to obey all laws and District policies and regulations. Students shall be subject to discipline for violation of these laws, policies, and regulations. Student misconduct may also be subject to other regulations of the District, including but not limited to regulations regarding complaints of harassment and discrimination.

II. DEFINITIONS

For the purpose of these Rules and Regulations, the following words and terms are defined as follows:

- A. "Student" shall mean all persons enrolled in any courses at the colleges in the district, regardless of where courses are taught, whether they are enrolled full-time or part-time, for credit or non-credit or not-for credit or contract education, and whether or not s/he is planning to earn a degree, certificate of achievement or other certification. Persons who are enrolled in online or hybrid courses are also considered 'students'. Persons who are not officially enrolled for a particular term, but who have been admitted to the college and enroll in courses from time to time, and have a continuing relationship with the college are considered 'students'.
- B. "Governing Board" shall mean the Governing Board of the San Jose Evergreen Community College District.
- C. "District" shall mean the San Jose Evergreen Community College District, including but not limited to its administrative staff and each of its colleges.
- D. "College" shall mean a college operated and maintained by the District.
- E. "Member of the College Community" shall mean the District Trustees, the academic, support staff, and administrative personnel of the District, the students of the District and any other person while on District or college property or at a District or college function or activity.
- F. "Day" shall refer to a college instructional day unless otherwise noted.
- G. "Good Cause" includes, but is not limited to the following offenses:

1. Continued disruptive behavior, continued willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel.
2. Assault, battery, or any threat of force or violence upon a student or college personnel.
3. Willful misconduct which results in injury or death of a student or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District.
4. Unlawful possession, use, sale, offer to sell, or furnishing, or being under the influence of, any controlled substance listed in California Health and Safety Code Section 11053 et seq., an alcoholic beverage, or an intoxicant of any kind; or unlawful possession of, or offering, arranging or negotiating the sale of any drug paraphernalia, as defined in California Health and Safety Code Section 11014.5.
5. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the Governing Board.
6. Persistent serious misconduct where other means of correction have failed to bring about proper conduct.
7. Other behavior that has grounds for disciplinary action.

III. GROUNDS FOR DISCIPLINARY ACTION

- A. Students shall conduct themselves consistent with the Student Code of Conduct while on campus or participating off campus in online or hybrid courses, or at college sponsored events or programs, including but not limited to field trips, student conferences, debate competitions, athletic contests, student organization-sponsored events, and international study programs, regardless of location. Students shall also conduct themselves consistent with the Student Code of Conduct in any matter related to college activity or attendance. Students shall be suspended or expelled only for good cause.
- B. Misconduct that constitutes grounds for disciplinary action includes, but is not limited to:
 1. Acts of academic dishonesty, including, but not limited to, cheating, tampering, fabrication, plagiarism, or assisting others in an act of academic dishonesty. Cheating is defined as unauthorized copying or collaboration on a test or assignment, or the use or attempted use of unauthorized materials. Tampering is defined as altering or interfering with evaluation instruments or documents. Fabrication is defined as falsifying experimental data or results, inventing research or laboratory data or results for work not done, or falsely claiming sources not used. Plagiarism is defined as representing someone else's words, idea, artistry, or data as one's own, including copying another person's work (including published and unpublished material, and material from the internet) without appropriate referencing, presenting someone else's opinions and theories as one's own, or working jointly on a project, then submitting it as one's own. Assisting is defined as assisting another person in an act of academic dishonesty, such as taking a test or doing an assignment for

- someone else, changing someone's grades or academic records, or inappropriately distributing exams to other students;
2. Other forms of dishonesty, such as lying, knowingly furnishing false information, or reporting a false emergency to any college official, faculty or staff member or office or to the District;
 3. Forgery, alteration, misappropriation or theft, misuse of any District or college document, record, key, electronic device, or identification including, but not limited to, unauthorized grade changes and forged signatures on official college forms;
 4. Misrepresentation of oneself or of an organization to be an agent of the District;
 5. Obstruction or disruption of teaching or of the District's educational process, administrative process, disciplinary procedures, or other District functions and activities, on or off District property;
 6. Disruptive or abusive behavior, such as verbal harassment, habitual profanity or vulgarity, physical abuse, intimidation, hazing, or stalking of any member of the college community;
 7. Vandalism, graffiti, or other willful misconduct which results in cutting, defacing, or other damages to any real or personal property owned by the District or a member of the college community;
 8. Assault, battery, violence or threat of violence, or any willful misconduct which results in an injury or death of a student or District personnel or behavior that threatens the health and safety of any member of the college community;
 9. Theft of District property, or property in the possession of, or owned by, a member of the college community;
 10. Violation of District or college policies or regulations including but not limited to those concerning the formation and registration of student organizations, the use of college facilities or the time, place, and manner of public expression or the distribution of leaflets, pamphlets, or other materials;
 11. Failure to comply with the directions of the District or college officials acting in the performance of their duties and/or failure to identify oneself to these persons when requested to do so;
 12. The use, sale, distribution, or possession on campus of or presence on campus under the influence of, any controlled substances, or any poison classified as such by Schedule D section 4160 of the Business and Professions Code or other California laws on District property or at any District-sponsored event. This regulation does not apply when the person named on the prescription possesses the drugs or narcotics or when the drugs or narcotics are permitted for and are being used in research, instruction, or analysis;
 13. Possession, consumption, sale, distribution or delivery of any alcoholic beverage in college buildings or on college grounds, or at college-sponsored or supervised activities, regardless of their location, unless authorized by college officials.
 14. Possession or use of explosives, dangerous chemicals, or deadly weapons on District property or at a campus function, without prior authorization of the College President;
 15. Engaging in lewd, indecent, or obscene behavior on District- owned or controlled property or at a District-sponsored or supervised function;
 16. Rape, date rape, sexual harassment, sexual assault, or threat of an assault upon a student or member of the college community on District property, or at

a college or District-sponsored or supervised function (see Know Your Rights: Title IX Compliance for more detailed definitions, Sexual Assault Victim Bill of Rights, complaint and disciplinary procedures;

17. Unauthorized use of, or misuse of District property, including, but not limited to, unauthorized possession, duplication or use of District keys and/or unauthorized entry into District property;
 18. Willful or persistent smoking in any area where smoking has been prohibited by law or by regulation of the Governing Board or College;
 19. Knowingly assisting another person in the commission of a violation of the Student Code of Conduct;
 20. Misuse of computers and networks which includes but is not limited to utilizing an unauthorized account, password, campus network, interfering with normal computer operations, circumventing data protection schemes or uncovering security loopholes, or violating terms of the software agreements.
 21. Willful disruption of the orderly operation of the campus.
 22. Leading or inciting others to disrupt scheduled and/or normal authorized activities.
 23. Obstruction of the free flow of pedestrian or vehicular traffic on College premises or at college sponsored or supervised events.
 24. Unauthorized use of electronic or other devices to make an audio or video record of any person while on college premises without his/her prior knowledge, or without his/her effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym locker room or a restroom.
 25. Any other cause identified as good cause by Education Code section 76033, not identified above; or any applicable Penal Code sections, or other applicable local, state, or federal laws.
 26. Any other grounds constituting good cause.
- C. Violation of parking laws, regulations, or rules shall not be cause for the removal, suspension, or expulsion of a student (Ed.Code § 76036).
- D. Nothing in these procedures shall preclude a student with a disability from receiving appropriate accommodations as identified by Disabilities Support Program & Services.

IV. TYPES OF DISCIPLINARY ACTION

The following discipline may be imposed, individually or in various combinations, on any student found to have violated the Student Code of Conduct.

WARNING: A warning is a written or oral notice to the student that continuation or repetition of certain conduct may be result in further disciplinary action.

RESTITUTION: Restitution is reimbursement by the student for damage to, loss of or misappropriation of property. Reimbursement may take the form of appropriate service by the student to repair property or otherwise compensate for damage.

PROJECTS AND ASSIGNMENTS: Projects and assignments may include educational projects, service to the college, and other related discretionary assignments.

DISCIPLINARY PROBATION: Probation is a status imposed for a specific period of time in which a student must demonstrate his or her conduct conforms to District standards of

conduct as set forth in these regulations. Conditions may be imposed at the discretion of the President's designee. Misconduct during the probationary period or violation of any conditions of the probation may result in more serious disciplinary action, such as loss of privileges, suspension, or expulsion.

LOSS OF PRIVILEGES: Loss of privileges is the denial of extracurricular activities or other special privileges for a designated period of time. Violation of any conditions or campus regulations during the period of sanction may result in far more serious disciplinary action, such as suspension or expulsion.

REMOVAL: Removal of a student from class by an instructor or with the assistance of Police Services, if necessary.

SUSPENSION: Suspension is a separation from the District for a designated period of time after which the student will be eligible to return. A suspension may consist of (a) a period of time from one or more classes for a period up to ten (10) days of instruction; (b) from one or more classes for the remainder of the school term; and (c) from all classes or activities of the college for one or more terms for up to three years.

EXPULSION: Expulsion is the permanent termination of student status by the Governing Board for good cause when other means of correction fail to bring about proper conduct or when the presence of the student causes a continuing danger to the physical safety of the student or others. A student who is expelled is prohibited from participating in any college activities or programs and from entering District premises.

REVOCAION OF DEGREE OR CERTIFICATION: A degree or certificate awarded from the college may be revoked for fraud, misrepresentation, or other violation of College standards in obtaining a degree or certification, or for other serious violations committed by a student prior to graduation.

V. RECIPROCITY OF SANCTIONS

During a period of suspension or expulsion, a student shall not be enrolled in any other college within the District. Disciplinary actions or sanctions shall apply to the student at all District colleges.

VI. CONDUCT RELATED TO COLLEGE

After a hearing the President or the President's designee may impose an immediate suspension on a student when such action is required in order to protect property, safety, and to ensure the maintenance of order on the campus or at a campus function.

No student may be removed, suspended, or expelled unless the conduct for which the student is disciplined is related to college activity or college attendance.

VII. RECORD OF DISCIPLINARY ACTION

In accordance with Education Code section 76220, Community College Districts shall establish, maintain and destroy student records according to regulations adopted by the Board of Governors of the California Community Colleges. The President's designee will create a record of disciplinary actions, along with relevant supporting documents and evidence. Consistent with the Family Educational Rights and Privacy Act (FERPA) this record shall be maintained as a confidential student education record and may not be

released without the permission of the student, except as permitted by law and policy. The student shall have a right to inspect the record and to challenge the contents. Disciplinary records shall be retained in a manner consistent with state law, and will be destroyed following the third college year after the college year in which it originated.

In accordance with Education Code section 76234, whenever there is included in any student record information concerning any disciplinary action taken by the college or District in connection with any alleged sexual assault or physical abuse or any conduct that threatens the health and safety of the alleged victim, the alleged victim of the sexual assault or physical abuse shall be informed within three (3) days of the results of any disciplinary action by the college and the results of any appeal.

VIII. REMOVAL BY INSTRUCTOR

An instructor, for good cause, may remove a student from his or her class for the day of the removal and the next class meeting. (Ed. Code § 76032 and 76033.) Such actions may be grounds for an instructor to remove the student on the day of the incident and the next session if warranted. “Good Cause” includes:

- A. Continued disruptive behavior, continues willful disobedience, habitual profanity or vulgarity, or the open and persistent defiance of the authority of, or persistent abuse of, college personnel
- B. Assault, battery, or any threat of force or violence upon a student or college personnel
- C. Willful misconduct which results in injury or death to a student or college personnel or which results in cutting, defacing, or other injury to any real or personal property owned by the District
- D. Use, sale, or possession on campus of or presence on campus under the influence of, any controlled substance, or any poison
- E. Willful or persistent smoking in any area where smoking has been prohibited by law or governing board regulation
- F. Persistent, serious misconduct where other means of correction have failed to bring about proper conduct.

Behaviors not considered “good cause” include, but are not limited to:

- Poor hygiene
- Strange behavior
- Bad manners
- Students’ attire, unless the student is revealing him or herself inappropriately or in an obscene way – SJECCD does not employ a student Dress Code
- Instructors may not at any time drop a student from their class for “bad behavior”

Instructors may dismiss a student from class for any of the above listed “good causes” for up to two class sessions (the day of the incident and the next class session) without further authorization. Instructors should complete the Disruptive Student Behavior (DSB) Report and submit to their area dean. Instructors who have met with the student to discuss their behavior, removed the student from two (2) class meetings/sessions, and are still having difficulty with the student should schedule an appointment with the Director of Student Life for an administrative meeting to determine further actions.

Faculty and staff are encouraged to keep written notes of any incidents, meetings, class/lab removals, and Disruptive Student Behavior (DSB) Report for any disruption, to document the case for disciplinary action. Forms for documentation can be found in division offices, on the SJCC Discipline/ Code of Conduct page, and with members of the Student Discipline Team.

Additional information about the Student Code of Conduct and Student Due Process can be found in the SJCC Virtual Student Handbook and on the SJCC website.

A. Procedures Before the Removal

1. The instructor shall notify the student of the instructor's consideration of the removal from class and the reasons for the proposed removal.
2. The instructor may remove the student from the classroom immediately. Under normal conditions, the instructor should permit the student an opportunity to present a rebuttal to the accusation or otherwise offer relevant comment on the proposed removal. There need be no delay between the time notice is given to the student and the time of such a review.
3. The instructor shall decide whether or not to proceed with the proposed removal after hearing the student's explanation and considering all of the information relative to the issue. There need be no delay between the time notice is given to the student and the removal.
4. The decision may be given to the student either orally or in writing.
5. The instructor's decision is final and may not be appealed.

B. Procedures After the Removal

1. Immediately following the removal, the instructor must notify the College President or President's designee of the removal.
2. The instructor may request that the student meet with the College President or President's designee, within three (3) days of removal, prior to returning to class.
3. During the period of removal, the student shall not be returned to the class without the concurrence of the instructor.

IX. **PRELIMINARY PROCEDURES FOR SUSPENSION BY PRESIDENT'S DESIGNEE**

The following procedures shall be taken before suspension except in the event that an emergency/interim suspension is made as set forth in Section XIV.

A. Administration. The President's designee shall administer these procedures and take appropriate action, subject to the approval of the College President and the Governing Board if required herein or otherwise by law.

B. Disciplinary Action Which May Be Imposed. The President's designee may suspend or impose a lesser sanction on a student. A suspension may consist of a period of time as follows:

1. From one or more classes for a period up to ten (10) days of instruction;
2. From one or more classes for the remainder of the school term;

3. From all classes and activities of the college for one or more terms.
 4. A suspension shall not exceed three (3) years.
- C. Reporting Of Conduct. Alleged student misconduct shall be reported to the President's designee. The President's designee shall be the Vice President of Student Affairs or the Director of Student Development & Activities. Other officials may be designated as the President's designee, whenever necessary for the efficient operation of the College.
 - D. Investigation. Upon receiving a report of alleged student misconduct, the President's designee shall initiate an investigation.
 - E. Notice. Before imposing discipline, the President's designee shall give or make reasonable efforts to give the student oral or written notice of the reason for the proposed disciplinary action.
 - F. Preliminary Hearing. Within a reasonable period of time (normally within five (5) days following the delivery to the student of the notice referred to above), the President's designee shall offer the student an opportunity to attend a meeting ("Preliminary Hearing") at which time the student may present a rebuttal to the accusation or otherwise offer relevant comment on the proposed discipline. There need be no delay between the time of the notice given to the student and the time of the meeting. If the student fails to arrange a preliminary hearing (or if he/she fails to appear for a preliminary hearing he/she has arranged), the decision of the President's designee will be final and not subject to a further Appeal Hearing.
 - G. Determination After Preliminary Hearing. Based on the evidence presented, the President's designee shall decide whether or not to proceed with the proposed suspension and/or to recommend expulsion after hearing the student's explanation and considering all of the information. If the decision is to suspend for up to five (5) days, the President's designee may inform the student of the decision and send a written confirmation to the student's last known address within five (5) days. The confirmation shall include a statement that the decision to impose a suspension for five (5) days or less, or a lesser sanction, is not appealable. If the decision is to suspend for more than five (5) instructional days or to recommend expulsion, the President's designee shall send the student a written notice via personal delivery or certified mail to the student's last known address as set forth below.
 - H. Notice To the College President. The President's designee shall report any disciplinary action imposed to the College President.
 - I. Notification After a Suspension Of More Than Five (5) Days. If the President's designee imposes a suspension of more than five (5) days, the President's designee shall promptly send the student a letter of notification that is hand delivered or sent via certified mail to the student's last known address. The notification shall include:
 1. A statement of the charges, the reason for the suspension or recommended expulsion offer, and a description of facts related to the misconduct, including the evidence against the student, the date of the incident(s), time of the incident(s), and location of the offense(s).
 2. A copy of the Student Code of Conduct.
 3. An explanation that a student who has been suspended for more than five (5) days is entitled to appeal the decision and has a right to a further hearing ("Appeal Hearing"). The notification shall also state that a request for an Appeal Hearing shall be filed within five (5) instructional days of the service or mailing of the notification, whichever is earlier. The written request for an appeal hearing must be submitted to the President's designee, and must cite the specific ground(s) for the appeal (from those listed below), and provides

information which substantiates the ground(s) on which the appeal is being made.

4. Grounds for appeal - A student may appeal the decision of the President's designee on grounds that:
 - a. Fair consideration was not provided to the student (i.e., there was evidence that some aspect of the hearing was prejudicial, arbitrary, or capricious);
 - b. New and significant information, not reasonably available at the time of the initial hearing, has become available;
 - c. The sanction or remedy imposed is not in due proportion to the nature and seriousness of the offense. Any evidence supporting these grounds must be included in the request for an appeal hearing.
 5. A statement that the student has the right to be accompanied at an "Appeal Hearing" by an on-campus advisor of his or her choice. If the student decides to be accompanied by an advisor, the name and address of that advisor must be submitted to the President's designee at the time the appeal is filed.
 6. The President's designee may note that he or she will also recommend expulsion.
 7. The Notification shall include the date, time, and location of an Appeal Hearing if requested by the student.
- J. Student Right to Appeal a Suspension of More Than Five (5) Days. The student may accept a suspension in excess of five (5) days without admitting the conduct charged. In such a case, the decision of the President's designee will be final and not subject to a further Appeal Hearing. Should the student not accept a suspension in excess of five (5) days, the student has a right to appeal. A suspension appeal must be filed by the student no later than five (5) days from the date the notification letter is personally served or mailed.
- K. Schedule of Hearing. The President's designee shall schedule an Appeal Hearing no later than ten (10) instructional days from the date of the suspension.

X. HEARING AUTHORITY FOR APPEAL HEARING

- A. The College President will assign either an Administrative Hearing Officer or may utilize a Student Discipline Committee ("Committee") to conduct Appeal Hearings at the College ("Hearing Authority").
- B. An Administrative Hearing Officer shall be a college official.
- C. A Committee shall include: one faculty member, one administrator or manager, and one student. The selection process for the Committee, if any, will normally occur at the beginning of each academic school year.
 1. The Academic Senate will select a faculty representative and alternate(s). Vacancies will be filled by an action of the Academic Senate.

2. The Associated Student Body will select a student representative and alternate(s). Vacancies of student members shall be filled by an action of the Associated Student Body.
3. The College President will select the administrative or management representative and alternate(s). The administrative or management representative will serve as the Committee Chair.

The student or the college staff member shall notify the Committee if he or she has a conflict of interest because he or she is involved in the discipline matter and, therefore, is unable to service as a neutral party.

4. Alternate faculty, administrative, and student members shall be appointed to ensure that a standing committee can always be convened promptly.

XI. APPEAL HEARING PROCEDURES

- A. The President's designee shall submit to the Hearing Authority: a description of the charges, notices, evidence, and a copy of the proposed decision. The President's designee shall present relevant evidence regarding the alleged misconduct. The accused student may then present any relevant evidence. Each party may call, examine, and cross-examine witnesses. Written statements, if any, shall be submitted under penalty of perjury. The Hearing Authority may also question witnesses. Opening and closing statements shall be limited to five (5) minutes. The President's designee shall speak first, followed by the student.
- B. The Hearing Authority shall rule on all questions of procedure and admission of evidence.
- C. Hearings need not be conducted in accordance with strict rules of evidence or formality of a court hearing.
- D. The Hearing Authority shall consider no evidence other than that evidence received at the hearing. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in-itself, to support a finding.
- E. A student may be accompanied by an advisor of his or her choosing, at the student's request. The role of the advisor is passive in this procedure. The advisor may be present at the hearing and may counsel the student. The advisor may not address the Hearing Authority and shall not be permitted to participate in any way during the hearing except to offer counsel to the student. If the student decides to be accompanied by an attorney, the name and address of that attorney must be submitted to the President's designee at the time the request for hearing is filed.
- F. The Appeal Hearing shall be closed to protect the privacy and confidentiality of everyone involved unless the student and District agree in writing to have a public hearing at least five (5) days in advance of the hearing. A closed hearing will be closed to everyone except the following:
 1. The student charged.
 2. The Hearing Authority.
 3. An advisor for the student charged, if so desired.
 4. The President's designee.
 5. A witness, while presenting evidence.
 6. An on-campus advisor for a witness while presenting evidence.

- G. An official audiotape recording of the hearing shall be kept. The record shall be the property of the District. The student charged may listen to the tape at a mutually agreeable location at the college. An accused student may, upon request, be provided a copy at his or her own expense.

XII. HEARING AUTHORITY'S CONSIDERATION AND RECOMMENDATION

Following presentation of the evidence, the Hearing Authority shall privately consider the evidence with all persons excluded. The Hearing Authority shall send a written report to the College President within five (5) instructional days of the termination of the hearing. The report shall contain the following information:

- A. A summary of factual findings and a determination that the accused student did or did not commit the act(s) alleged/charged.
- B. A finding that the student's act(s) did or did not constitute a violation of the Student Code of Conduct.
- C. A recommendation for upholding or modifying the proposed discipline. The Hearing Authority may also recommend further investigation.

XIII. COLLEGE PRESIDENT'S DECISION

- A. The College President shall reach a decision after reviewing the report submitted by the Hearing Authority. The College President may refer the matter back to the Committee or hearing officer for further clarification on details of the case, such as evidence and findings of fact. The College President may uphold the suspension, uphold the recommendation by the Hearing Authority, or adopt a lesser sanction, if appropriate. A written statement of the decision shall be sent via certified or registered mail to the student's last known address within three (3) instructional days of the College President's receiving the Hearing Authority's recommendation.
- B. The decision of the College President to suspend or impose a lesser sanction shall be final and not subject to further appeal.
- C. The College President shall report a disciplinary suspension of any student to the Governing Board at its next regular meeting after the suspension has been imposed. A copy of the suspension determination, including the reasons for the suspension, shall be placed in the student's permanent disciplinary record (not the transcript).
- D. If the College President determines that a student should be expelled, he or she will forward that recommendation through the Chancellor, to the Board of Trustees for determination.
- E. In the event that a College President is or will be unavailable for the making of a prompt decision, the College President may appoint an unbiased designee to act on the appeal.

XIV. EMERGENCY INTERIM SUSPENSION

- A. An emergency/summary suspension is an immediate suspension imposed upon a student for good cause. (Ed. Code § 66017.)
- B. Notwithstanding the foregoing, the College President or the President's designee may impose an emergency/summary suspension. It is an extraordinary measure and shall be utilized when necessary to protect lives or property and to ensure the maintenance of order pending a hearing.

- C. A preliminary hearing shall be provided within ten (10) calendar days of an emergency/summary suspension. (Ed. Code § 66017.) The procedures set forth in Sections IX and X shall apply to the preliminary hearing and any appeal hearing.
- D. An emergency/summary suspension shall be reported to the Governing Board at its next regular meeting after such suspension has been imposed. A copy of the suspension may be placed in the student's permanent record at the discretion of the College President.

XV. NOTIFICATION

The College President or President's designee shall, upon suspension or expulsion of any student, notify the appropriate law enforcement authorities of the county or city in which the school is situated of any acts of the student which may be in violation of section 245 of the Penal Code. (Ed. Code § 76035.)

XVI. EXTENSIONS OF TIME

Calendar restraints may be extended with the agreement of both parties.

XVII. EXPULSION

The Governing Board has the sole authority to expel a student. If the College President determines that a student should be expelled, he or she shall send the recommendation through the Chancellor to the Governing Board.

- A. Within 30 instructional days of the receipt of the recommendation from the College President, and with the agreement of the Chancellor, the Governing Board shall conduct an appeal hearing in closed session with the accused student and the College President (or the President's designee).
 - 1. The hearing shall be closed to protect the privacy and confidentiality of everyone involved, unless (a) the accused student requests an open hearing, in writing, within 48 hours of being notified of the hearing, and (b) it is determined that holding the hearing in open session would not lead to the giving out of information concerning students which would be in violation of state or federal law regarding the privacy of student records.
 - 2. A closed hearing will be closed to everyone except the following:
 - a. The student charged.
 - b. An advisor/advocate for the student charged, if so desired. If the student chooses to be accompanied by an attorney, the student must notify the District in writing of his/her intent to bring an attorney at least five (5) business days prior to the hearing. Failure to notify the District will result in a waiver of the right to be accompanied by an attorney, or a one month postponement of the hearing.
 - c. The College President and/or President's Designee.
 - d. The Governing Board
 - e. The Chancellor and/or District Legal Advisor
 - f. The student's parent(s) or guardian, if the student is a minor.

- B. The accused student shall be notified in writing of the date and time of the hearing, and shall be provided with a copy of this policy. The notice shall be mailed via certified or registered mail, or served personally, if the student is a minor.
- C. The hearing shall be conducted in accordance with the following procedures:
1. The President of the Governing Board will serve as chair of the hearing, and will rule on all questions of procedure and admission of evidence.
 2. Hearings need not be conducted in accordance with strict rules of evidence or formality of a court hearing.
 3. Before commencement of the hearing, the Governing Board shall review a description of the charges, notices, evidence, findings, and a copy of the proposed decision from the college-level disciplinary appeal hearing. The Governing Board shall consider no evidence other than that evidence received in the hearing process.
 4. The College President (or the President's Designee) shall make a brief statement to the Governing Board, referring to relevant evidence regarding the alleged misconduct.
 5. The accused student may then make a brief statement to the Governing Board and present any relevant evidence.
 6. The statements shall be limited to five (5) minutes.
 7. Upon completion of these statements, the Governing Board will have an opportunity to ask questions of both the student and the College President (or President's Designee).
 8. The Governing Board will conclude the hearing, dismiss the parties, and privately deliberate as to a decision.
 9. The Governing Board shall issue a statement of decision including findings of fact and a determination that the accused student did or did not commit the act(s) charged, a finding that the student's act(s) did or did not constitute a violation of the Student Code of Conduct, and a decision as to whether the expulsion proposed by the President would be upheld or modified. The Governing Board may also recommend further investigation. Pursuant to Education Code section 72122, regardless of whether the matter is heard in open or closed session, the final action of the Governing Board shall be taken in open session, and the result of the action shall be a public record. The name of the student, however, shall not be released.
 10. The Chancellor's Office will send a written statement of the Governing Board's decision via certified or registered mail to the student's last known address within three (3) working days of the hearing.
 11. If the Governing Board's decision is unfavorable to the student, the student shall have a right to submit a written statement of his/her objections to the decision. This statement shall become a part of the student's records.
 12. The decision of the Governing Board is final, and not subject to further appeal.
 13. The hearing shall be electronically recorded. The record shall be the property of the District. The student charged may listen to the tape at a mutually agreeable location at the college. An accused student may, upon request, be provided a copy of the recording at his or her own expense.

Education Code, Sections 66017, 66300, 66301, 72122, 76030–76037, 76234